

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

)
)
)
IN RE: LOCAL TV ADVERTISING) **MDL No. 2867**
ANTITRUST LITIGATION) **No. 18 C 6785**
)
)
)
)

ORDER

The Court reviewed the applications for lead counsel in this multidistrict litigation (MDL). The Court also held a hearing regarding the issue on November 19, 2018. The Court considered all written and oral submissions, in addition to the factors set forth in Federal Rule of Civil Procedure 23(g) and in the Manual for Complex Litigation (4th) §10.22.

I. Leadership Structure

A. Lead Counsel

The Court hereby appoints the following as lead counsel:

Megan E. Jones
Hausfeld LLP
600 Montgomery St., #3200
San Francisco, CA 94111
(415) 633-1908
mjones@hausfeld.com

Ms. Jones more than meets the requirements of Rule 23(g)(1)(A). She has done significant work in identifying and investigating potential claims, she is highly experienced in complex litigation, she knows antitrust law, and her firm has appropriate resources to represent the class.

B. Liaison counsel

The Court hereby appoints the following as liaison counsel:

Freed Kanner London & Millen LLC
201 Waukegan Road, Suite 130
Bannockburn, IL 60015
(224) 632-4500

C. Plaintiffs' Steering Committee Members

The Court hereby appoints a Plaintiffs' Steering Committee (PSC) that shall consist of the following attorneys and their respective firms:

Hollis Salzman
Robins Kaplan LLP
399 Park Avenue, Suite 3600
New York, NY 10022
(212) 980-7400
hsalzman@robinskaplan.com

Kimberly A. Justice
Kessler Topaz Meltzer & Check, LLP
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706
kjustice@ktmc.com

E. Designations and Future Changes

These designations are of a personal nature. Accordingly, the Court looks to counsel to undertake personal responsibility to perform the designated functions and reserves the discretion to replace them upon their request or the Court's own motion. The Court may expand or amend the PSC members upon request from Lead Counsel or on the Court's own motion.

II. Duties and Responsibilities of Plaintiffs' Leadership

A. Responsibilities of Plaintiffs' Co-Lead Counsel:

Lead counsel shall generally coordinate the activities of the plaintiffs in conducting this litigation toward final resolution and shall work toward accommodating the demands of this MDL under the direction of the Seventh Circuit in *Authenticom, Inc. v. CDK Global, LLC*, 874 F.3d 1019 (7th Cir. 2017). Lead Counsel shall litigate these matters on behalf of all plaintiffs, namely, they shall make strategic, tactical, and procedural decisions on behalf of the plaintiffs' counsel. Lead Counsel shall, either personally or by coordinating the efforts of the PSC, perform the following duties, among others:

Discovery

- a. Initiate, coordinate, and conduct all generic pretrial discovery on behalf of all plaintiffs who file civil actions in this Court or that are transferred to this Court pursuant to 28 U.S.C. § 1407 and that are consolidated with this MDL proceeding;
- b. Develop and propose to the Court schedules for the execution and completion of all discovery on behalf of all plaintiffs;

- c. Initiate, coordinate, and cause to be issued in the name of all plaintiffs, the necessary discovery requests, motions, and subpoenas pertaining to any witness and documents needed to prepare properly for the pretrial of relevant issues found in the pleadings of this litigation (similar requests, notices, and subpoenas may be caused to be issued by plaintiffs' Lead Counsel upon written request by an individual attorney in order to assist him or her in preparation of the pretrial stages of his or her client's particular claims);
- d. Ensure strict compliance with Local Rule 37.2 before filing any discovery motions with the Court;
- e. Identify witnesses to be noticed for deposition, schedule witness depositions, and determine the lead examiner(s) for each noticed deposition;
- f. Conduct all discovery in a coordinated and consolidated manner on behalf of and for the benefit of all plaintiffs, and bind plaintiffs and all putative class members in the resolution of any discovery disputes;

Motion Practice and Hearings

- g. Submit any motions presented to the Court on behalf of all plaintiffs as well as oppose, as appropriate, any motions submitted by the defendants or third parties;
- h. Examine or designate other counsel to examine witnesses and introduce evidence at hearings on behalf of Plaintiffs;
- i. Act or designate other counsel to act as spokesperson(s) for the plaintiffs at pretrial proceedings and in response to any inquiries by the Court;

Contact with Defense Counsel

- j. Initiate, coordinate, and conduct the requisite meet and confers with the defendants, confer with the defendants regarding procedural matters, and negotiate and enter into stipulations and case management orders with the defendants regarding this litigation;
- k. Explore or designate other counsel to explore, develop, and pursue settlement options with the defendants on behalf of plaintiffs.

Oversight of Plaintiffs' Counsel

- l. Call meetings of plaintiffs' counsel for any appropriate purpose;

m. Assign litigation-related tasks to plaintiffs' counsel who communicate their willingness to work for the common benefit of all plaintiffs, taking into consideration the strengths and weaknesses of counsel requesting such assignments;

n. Monitor the activities of the PSC and other co-counsel to ensure that schedules are met, and unnecessary expenditures of time and funds are avoided;

Committee Formation

o. Lead Counsel shall have the power to form committees and appoint committee chairs for specific litigation tasks, including but not limited to the following: (i) Discovery; (ii) Law and Briefing; (iii) Science/Experts; (iv) Trial; and (v) others as the need may arise;

Trial Preparation

p. Coordinate trial team(s)'s selection, management, and presentation of any "bellwether" and/or "test" case trial(s); and

Other

q. Perform such other duties as may be incidental to proper coordination of Plaintiffs' activities or authorized by further order of the Court.

B. Responsibilities of Plaintiffs' Liaison Counsel

Plaintiffs' Liaison counsel shall:

1. Coordinate service and filings for the plaintiffs;
2. Maintain and distribute to co-counsel and to defense counsel an up-to-date service list;
3. Maintaining in conjunction with their accountant records of receipts and disbursements advanced by members of the PSC and received by the PSC and to report in writing to the PSC concerning disbursements and receipts;
4. Maintain and make available to all Plaintiff's counsel of record at reasonable hours a complete file of all documents served by or upon each party (except such documents as may be available at a document depository);
5. Be available for any Court status conferences and communicate the substance of any such conferences to all other plaintiffs' counsel; and

6. Carry out such other duties as the Court may order.

C. Responsibilities of the PSC

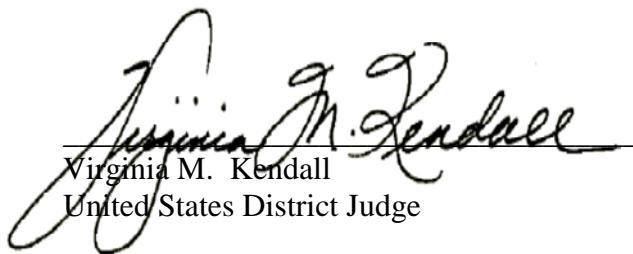
The PSC shall consult with Lead Counsel and Liaison Counsel in coordinating the plaintiffs' pretrial activities and in planning for trial. The PSC shall be authorized to perform work only based upon assignments received from Lead Counsel (or their designees).

III. Communications with the Court

All communications from the plaintiffs with the Court shall be through Lead Counsel or Liaison Counsel. If circumstances require direct correspondence with the Court by individual counsel, copies of any said communications shall simultaneously be served upon Lead Counsel and Liaison Counsel.

IV. Term of Appointments

All appointments are made for a one-year period and will expire on 1/18/2020. Appointees may apply for reappointment when their term expires. A re-application process will be established at an appropriate time in advance of the expiration date.



Virginia M. Kendall
United States District Judge

Date: January 23, 2019